

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

GS HOLISTIC, LLC,

Plaintiff,

:

Case No. 3:23-cv-325

- vs -

District Judge Walter H. Rice

Magistrate Judge Michael R. Merz

KRAZY DAZE, LLC, et al.

Defendants.

:

**ORDER DENYING MOTION FOR DEFAULT AND ORDERING
PLAINTIFF TO SHOW CAUSE**

Plaintiff GS Holistic, LLC, filed the Complaint in this case January 10, 2024 (ECF No. 3) and obtained issuance of Summonses for both Defendants the following day (ECF No. 4). On May 8, 2024, the Clerk notified Plaintiff's counsel that proof of service had not been properly filed and instructed counsel on how to correctly file. Almost six months later, counsel again filed purported proof of service (ECF No. 9) and a Motion for Default Judgment based on that filing (ECF No. 10). The Clerk again advised Plaintiffs counsel that the proof of service was not properly filed and the Court denied the Motion for Default Judgment on that basis without prejudice to its renewal after service was properly proved (ECF No. 11).

Without having re-filed proof of service, Plaintiff again moved for default judgment on December 13, 2024 (ECF No. 12). Shortly thereafter the Clerk again reminded Plaintiff's counsel that proof of service was incorrect.

Based on this history and the current state of the docket, Plaintiff's Motion for Default is DENIED.

Fed.R.Civ.P. 4(m) provides that "[i]f a defendant is not served within 90 days after the complaint is filed, the court . . . must dismiss the action without prejudice against that defendant or order that service be made within a specified time." This case has been on the docket of this Court since October 27, 2023, without proper proof of service on either Defendant. It is accordingly ORDERED that Plaintiff show cause not later than January 20, 2025, why this case should not be dismissed without prejudice.

January 6, 2025.

s/ *Michael R. Merz*
United States Magistrate Judge